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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,262	01/03/2000	TATSUO KAWANAKA	9815078(915)	7582

7590 09/29/2004

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EXAMINER

LANIER, BENJAMIN E

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2/3

Office Action Summary	Application No. 09/476,262	Applicant(s) KAWANAKA, TATSUO	
	Examiner Benjamin E Lanier	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's amendment of claims 4-6 has been fully considered and is entered.

Response to Arguments

2. Applicant's arguments, see the amendment filed 13 July 2004, with respect to the rejection(s) of claim(s) 4-6 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Larose, U.S. Patent No. 6,108,420.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Larose, U.S. Patent No. 6,108,420. Referring to claims 4-6, Larose discloses a method for the installation of uniquely customized software applications wherein a user installation agent, which meets the limitation of a dedication creation program, establishes a connection through a distribution channel to a secure distribution agent. The user installation agent prompts the user to input identifying information that, together with business related information such as licensing terms is used to create a unique data set that is embedded in the desired software application (Col. 3, lines

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27-40), which meets the limitation of said creation program automatically creating an identification information uniquely in the form of a run-time read module and storing said identification information in a predefined address, and self destructing said creation program after one execution in creating said identification information. The identification information in Larose can be information specific to the CPU being used to restrict the operation of the program (Col. 14, lines 37-41) that meets the limitation of the identification information being unique for that said particular apparatus and deciding whether said identification information is valid for said particular apparatus. The embedded unique data is embedded in the computer program independently of the program body (Figs. 3a-3c), which meets the limitation of said particular software program having a blank area for insertion of identification information in form of a module independently of a program body, and remaining areas for holding said program body which is provided independently of said identification information. The computer program is then installed on the user computer and takes the form of the embedded installation file (Col. 6, lines 27-37), which meets the limitation of when said identification information is valid, installing said particular software having said remaining areas filled with said program body in said particular apparatus and causing said run-time read module to be inserted into said blank area of said software program, and then said particular apparatus executing said particular software program having said program body and said run-time read module with said identification information inserted in said blank area. Fraudulent re-use through simple copying can be defeated by extracting the identification information for the embedded program either before or after installation to ensure proper use (Col. 11, line 57 – Col. 12, line 14). Should the authentication fail use of the software program is prevented (Col. 12, lines 45-53), which meets

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the limitation of in the event said particular software program having said program body and filled blank area is read for duplication by an apparatus other than said particular apparatus, the duplicated software program will not act properly for the said other apparatus because the blank area will not be filled with an appropriate run-time read module having an appropriate identification information for the other apparatus. Larose further discloses that the system implements the use of executables and dynamic link library files (Col. 12, lines 45-53), which meets the limitation of said run-time read module is separated from said blank area of said particular software program when the program is terminated.

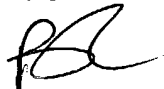
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

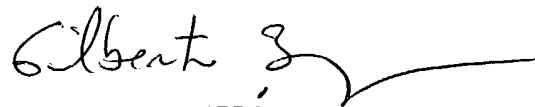
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Benjamin E. Lanier



GILBERTO BARRON
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